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PATENT

**REMARKS**

Claims 1, 3-5, 22, 24, 25, 28, 30, 31, 36, 40 and 41 are amended and claims 2 and 37 are cancelled herein. Claims 1, 3-36, and 38-41 will be pending upon entry of this amendment.

The following remarks are responsive to the final Office action mailed August 28, 2006.

Response to Claim Rejections

Claim 1

Amended claim 1 is directed to an absorbent garment for personal wear about the wearer's waist. The absorbent garment comprises:

an absorbent assembly constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an inner surface adapted for contiguous relationship with the wearer's body, an outer surface, a front waist region, a back waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end and a back waist end;

a garment shell configured for encircling the wearer's waist, said garment shell having a front waist region, a front waist end at said front waist region, a back waist region, and a back waist end at said back waist region, the absorbent assembly being disposed generally within the garment shell, and

a waist belt configured for wear about the wearer's waist, the absorbent assembly being releasably and refastenably attached to the waist belt generally at the front and back

waist regions of the absorbent assembly, the garment shell being releasably and refastenably attached to the waist belt generally at the front and back waist regions of said garment shell whereby the front waist region of the garment shell is in opposed relationship with the front waist region of the absorbent assembly and the back waist region of the garment shell is in opposed relationship with the back waist region of the absorbent assembly.

Claim 1 is amended herein to clarify that the attachment of the absorbent assembly to the waist belt is a releasable and refastenable attachment, as is the attachment of the garment shell to the waist belt. While applicants believe that the term *releasable* typically means both *releasable* and *refastenable* (i.e., the absorbent assembly or garment shell is readily detachable from the waist belt and may be readily reattached thereto) and reflects the manner in which the term "releasable" is used the present specification (e.g., hook and loop type fasteners are *releasable* and *refastenable* type fasteners), the claim is amended to further clarify the attachment relationship between the absorbent assembly and the waist belt, and between the garment shell and the waist belt.

Amended claim 1 is submitted to be nonobvious in view of and patentable over the references of record, and in particular U.S. Patent No. 6,115,847 (Rosch et al.) in view of U.S. Patent Application Publication No. 2002/0087137 (Christoffel et al.), in that whether considered alone or in combination the references fail to show or suggest an absorbent garment

including an absorbent assembly and a garment shell that are each releasably and refastenably attached to a waist belt.

Rosch et al., with reference to Figs. 1 and 2 thereof, disclose an active wear garment 10 comprised of a pant structure 12 and a skirt cover 14. The skirt cover 14 has a front panel 15 (Fig. 1) secured to a back panel 21 (Fig. 2). The front panel 15 has a waist region 31, and the back panel 21 has a waist region 33. The pant structure 12 includes a front waist band region 20, and a back waist band region 22 (Fig. 2). The pant structure 12 and the skirt cover 14 are permanently joined at the waist of the garment 10. See column 5, lines 42-45 (wherein the pant structure and skirt cover are described as being bonded together by adhesives or other bonding methods). See also column 1, lines 53-56 in which Rosch et al. teach that the waist band regions 20, 22 of the pant structure 12 are non-refastenably joined to the waist regions 31, 33 of the skirt cover 14. See also column 14, lines 38-43, column 15, lines 2-7, claim 1, claim 6, and the abstract.

In Fig. 4, Rosch et al. disclose a garment 110 of a second embodiment having a trunk (e.g., shorts-type) cover 114 instead of the skirt cover 14 shown in Figs. 1 and 2. The trunk cover 114 can be formed with an integrated pant structure 112 or used by itself (i.e., without a pant structure). When the pant structure 112 is combined with the trunk cover 114, the pant structure and the trunk cover are joined at the waist. See column 12, lines 42-46. More specifically, waist regions 131, 133 of the trunk cover 114 are non-refastenably engaged to

front and back waist band regions 120, 122 of the pant structure. See column 16, lines 14-20 and lines 50-57.

Rosch et al. thus fail to disclose or suggest a waist belt having an absorbent assembly and a garment shell each releasably and refastenably attached to a waist belt as recited in amended claim 1. Rather, Rosch et al. disclose that the waist bands are formed integrally with the pant structure and the cover by attaching elastic members thereto. As mentioned in the Office action, Rosch teaches elastic members 143, 145 (which are collectively characterized by the Office as corresponding to the claimed waist belt) "are an integral portion of cover 114."

Christoffel et al. disclose a one-piece, disposable swimsuit for girls. That is, the entire swimsuit is intended to be used once and then discarded. Thus, as in Rosch et al., the various components of the article (in this instance the swimsuit) are not constructed or even intended to be separated from each other. In particular, in each embodiment illustrated and described in Christoffel et al. the swimsuit 20 comprises a chassis 22 permanently (i.e., non-refastenably) secured to a bodice 42 to form the one-piece swimsuit. See paragraph [0074] in which Christoffel et al. disclose bonding the bodice 42 to the chassis 22 by adhesive bonding, thermal bonding or ultrasonic bonding, all of which are non-refastenable bonds.

With particular reference to Figs. 1-19 of Christoffel et al., in some of the disclosed embodiments the swimsuit 20 may further incorporate a relatively small rectangular integral

(i.e., non-refastenably secured) absorbent assembly 54. See, e.g., Fig. 2 and paragraphs [0089-0091] in which the absorbent assembly is disposed between the coverstock 50 and a body side liner 108 and is thus non-refastenably disposed in the swimsuit. In other embodiments of Figs. 1-19, Christoffel et al. teach that the swimsuit 20 may be worn over a separate absorbent garment 88 (such as an absorbent swim pant). See, e.g., Fig. 16 and paragraph [0069].

In Figs. 20 and 21 of Christoffel et al. (and paragraphs [0072-0074] as relied on in the Office action), Christoffel et al. teach that the chassis 22 to which the bodice 42 is bonded may itself be a pant-like absorbent product 98 such as a diaper or training pant. The bodice 42 in Figs. 20 and 21 is bonded to the front of the pant-like absorbent product 98 and covers the front upper torso without necessarily covering the wearer's back upper torso. Thus, as in the embodiments of Figs. 1-19, the bodice 42 is still bonded (i.e., non-refastenably attached) to the chassis 22.

Thus, Christoffel et al. (like Rosch et al.) fail to teach or suggest an absorbent assembly and a garment shell that are each releasably and refastenably attached to a waist belt as recited in amended claim 1.

Since both Rosch et al. and Christoffel et al. each fail individually to teach an absorbent assembly and a garment shell releasably and refastenably attached to a waist belt, a combination of these references must also fail to teach or suggest this feature of amended claim 1.

For these reasons, claim 1 is submitted to be nonobvious in view of and patentable over the references of record.

Claims 3-34 depend directly or indirectly from claim 1 and are submitted to be patentable over the references of record for the same reasons as claim 1.

Claim 7

Claim 7 depends directly from claim 1 and further recites that the waist belt has an end portion which overlaps a portion of the waist belt other than said end portion upon extending about the wearer's waist, said end portion being adapted for releasable attachment to said other portion of the waist belt to secure the waist belt on the wearer's waist.

Neither Rosch et al. nor Christoffel et al. teach or suggest any portions of the respective articles overlapping themselves about the wearer's waist. Accordingly the references clearly fail to teach or suggest a waist belt having an end portion that overlaps a portion of the waist belt other than the end portion.

For these additional reasons, claim 7 is further submitted to be patentable over the references of record.

Claim 8

Claim 8, which depends from claim 7, further recites that the overlapping end portion of the waist belt has at least one fastening component thereon, said at least one fastening component being adapted for releasable attachment to said other

portion of the waist belt. Nowhere does either Rosch et al. or Christoffel et al. teach or suggest a waist belt having at least one fastening component adapted for releasable attachment to another portion of the waist belt as recited in claim 8.

Accordingly, claim 8 is submitted to be further patentable over Rosch et al. and Christoffel et al.

Claim 36

Amended claim 36 is directed to a method for placing an absorbent garment on a wearer's waist. The method comprises:

extending a waist belt about the wearer's waist such that an overlapping end portion of the belt overlaps an underlying portion of the belt;

releasably attaching the overlapping end portion of the belt to the underlying portion of said belt to secure the belt on the wearer's waist;

releasably and refastenably attaching an absorbent assembly to said waist belt, the absorbent assembly being constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an outer surface and an inner surface adapted for contiguous relationship with the wearer's body, said absorbent assembly further having a front waist region, a back waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end at said front waist region and a back waist end at said back waist region; and

releasably and refastenably attaching a garment shell to the waist belt, the absorbent assembly being configured for being disposed within the garment shell, said garment shell having a front waist region adapted for generally opposed relationship with the front waist region of the absorbent assembly and a back waist region adapted for generally opposed relationship with the back waist region of the absorbent assembly.

Amended claim 36 is submitted to be nonobvious in view of and patentable over the references of record, and in particular Rosch et al. in view of Christoffel et al., for substantially the same reasons as set forth above with respect to amended claim 1 as well as to claim 7. That is, whether considered alone or in combination the references fail to show or suggest a method of placing an absorbent garment on a wearer's waist including 1) extending a waist belt about the wearer's waist such that an overlapping end portion of the belt overlaps an underlying portion of the belt, 2) releasably attaching the overlapping end portion of the belt to the underlying portion of the belt to secure the belt on the wearer's waist, 3) releasably and refastenably attaching an absorbent assembly to the waist belt, and 4) releasably and refastenably attaching a garment shell to the waist belt as recited in amended claim 36. As mentioned above, both Rosch et al. and Christoffel et al. fail individually and therefore in combination to teach or suggest an absorbent assembly and a garment shell that are each releasably and refastenably attached to a waist belt.

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Accordingly, amended claim 36 is submitted to be patentable over the references of record. Claims 38-41 depend from amended claim 36 and are submitted to be patentable over the references of record for the same reasons as claim 36.

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**CONCLUSION**

In view of the foregoing, favorable consideration and allowance of claims 1, 3-36, and 38-41 is respectively requested.

Respectfully submitted,



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